

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LARRY MORRISON

PETITIONER

V.

CIVIL ACTION NO. 3:15cv23-DPJ-FKB

WARDEN BLACKMON

RESPONDENT

ORDER

This cause is before the Court on the Report and Recommendation of Magistrate Judge F. Keith Ball [26]. Larry Morrison filed this action while he was incarcerated at the Federal Correctional Complex at Yazoo City, Mississippi, to challenge a disciplinary proceeding in which he was found guilty of a violation of the disciplinary code, resulting in the loss of 27 days of good-time credit. After filing his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, Morrison filed a motion for summary judgment. On November 19, 2015, after considering Morrison's motion and the competent record evidence, Judge Ball recommended that the motion and the petition be granted and that Respondent have the option to allow Morrison to withdraw his guilty plea and receive a new hearing. The parties were directed to file written objections to the recommendation within fourteen days.

Morrison filed no objection to the recommendation. On December 3, 2015, Respondent filed an objection and response [30] electing the option of allowing Morrison to withdraw his plea and receive a new hearing before a different disciplinary hearing officer. Although Respondent agreed to hold a new hearing by December 21, 2015, the correct deadline should be 30 days from the entry of this Order.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court.

Morrison's motion and petition are granted to the extent that he will be allowed to withdraw his plea and receive another hearing before an impartial hearing officer within 30 days. This matter is dismissed. A separate judgement will be entered under Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 14th day of December, 2015.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE